

1.1 Senator moves to amend S.F. No. 3086 as follows:

1.2 Page 2, after line 8, insert:

1.3 "Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

1.4 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
1.5 receives services or aid under sections 123B.40 to 123B.48 from which a student is
1.6 transferring must transmit the student's educational records, within ten business days of a
1.7 request, to the district, the charter school, or the nonpublic school in which the student is
1.8 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
1.9 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
1.10 charter school, or the nonpublic school in which a transferring student is next enrolling in
1.11 order to comply with this subdivision.

1.12 (b) A closed charter school must transfer the student's educational records, within ten
1.13 business days of the school's closure, to the student's school district of residence where the
1.14 records must be retained unless the records are otherwise transferred under this subdivision.

1.15 (c) A school district, a charter school, or a nonpublic school that receives services or aid
1.16 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
1.17 school district or other educational entity, charter school, or nonpublic school to which the
1.18 student is transferring must include in the transmitted records information about any formal
1.19 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections
1.20 121A.40 to 121A.56. The transmitted records must include any school threat assessment
1.21 records, including services a pupil needs to prevent the inappropriate behavior from recurring.
1.22 The district, the charter school, or the nonpublic school that receives services or aid under
1.23 sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or
1.24 guardian that formal disciplinary records will be transferred as part of the student's
1.25 educational record, in accordance with data practices under chapter 13 and the Family
1.26 Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

1.27 (d) Notwithstanding section 138.17, a principal or chief administrative officer must
1.28 remove from a student's educational record and destroy a probable cause notice received
1.29 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the
1.30 date of the notice and the principal or chief administrative officer has not received a
1.31 disposition or court order related to the offense described in the notice. This paragraph does
1.32 not apply if the student no longer attends the school when this one-year period expires.

1.33 (e) A principal or chief administrative officer who receives a probable cause notice under
1.34 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that

2.1 data in the student's educational records if they are transmitted to another school, unless the
 2.2 data are required to be destroyed under paragraph (d) or section 121A.75.

2.3 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later."

2.4 Page 5, after line 13, insert:

2.5 "Sec. 3. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
 2.6 to read:

2.7 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
 2.8 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
 2.9 policies and practices that are alternatives to removing a pupil from class or dismissing a
 2.10 pupil from school, including evidence-based positive behavioral interventions and supports,
 2.11 social and emotional services, school-linked mental health services, counseling services,
 2.12 social work services, referrals for special education or 504 evaluations, academic screening
 2.13 for Title I services or reading interventions, and alternative education services.

2.14 Nonexclusionary disciplinary policies and practices require school officials to intervene in,
 2.15 redirect, and support a pupil's behavior before removing a pupil from class or beginning
 2.16 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
 2.17 not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4,
 2.18 paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph
 2.19 (q); 122A.627, clause (3); and 123A.56.

2.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

2.21 Sec. 4. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to
 2.22 read:

2.23 Subd. 13. **School threat assessment.** "School threat assessment" means a fact-based
 2.24 process using an integrated team approach that helps schools evaluate and assess potentially
 2.25 threatening pupils or situations. The threat assessment results will address whether there is
 2.26 sufficient information to determine whether or not a pupil poses a threat and services needed
 2.27 to address a pupil's underlying issues which may include counseling, social work services,
 2.28 evidence-based academic and positive behavioral interventions and supports, mental health
 2.29 services, and referrals for special education or 504 evaluations.

2.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

3.1 Sec. 5. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 14. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal
3.4 or written agreement between a school or district administrator and a pupil's parent or
3.5 guardian to withdraw a student from the school district to avoid expulsion or exclusion
3.6 dismissal proceedings. The duration of the withdrawal agreement may be no longer than
3.7 12 months.

3.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

3.9 Sec. 6. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

3.10 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
3.11 without attempting to ~~provide alternative educational services~~ use nonexclusionary
3.12 disciplinary policies and practices before dismissal proceedings or pupil withdrawal
3.13 agreements, except where it appears that the pupil will create an immediate and substantial
3.14 danger to self or to surrounding persons or property.

3.15 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

3.16 Sec. 7. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to
3.17 read:

3.18 Subd. 5. **Suspensions exceeding five consecutive school days.** The school administrator
3.19 must ensure that when a pupil is suspended for more than five consecutive school days,
3.20 alternative education services are provided.

3.21 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

3.22 Sec. 8. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to
3.23 read:

3.24 Subd. 6. **Minimum education services.** School officials must give a suspended pupil
3.25 the opportunity to complete all school work assigned during the pupil's suspension and to
3.26 receive full credit for satisfactorily completing the assignments. The school principal or
3.27 other person having administrative control of the school building or program is encouraged
3.28 to designate a district or school employee as a liaison to work with the pupil's teachers to
3.29 allow the suspended pupil to (1) receive timely course materials and other information, and
3.30 (2) complete daily and weekly assignments and receive teachers' feedback.

3.31 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

4.1 Sec. 9. Minnesota Statutes 2016, section 121A.47, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 1a. **Threat assessment requirement.** Prior to providing notice of expulsion or
4.4 exclusion under subdivision 2 or accepting a pupil withdrawal agreement, the school's
4.5 integrated threat assessment team must conduct a school threat assessment of the pupil
4.6 consistent with section 121A.41, subdivision 13. The assessment must address the pupil's
4.7 underlying issues that led to the expulsion, exclusion, or pupil withdrawal agreement in
4.8 order to prevent behaviors from recurring.

4.9 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

4.10 Sec. 10. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

4.11 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

4.12 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

4.13 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
4.14 of their testimony;

4.15 ~~(c)~~ (3) state the date, time, and place of the hearing;

4.16 ~~(d)~~ (4) be accompanied by a copy of sections 121A.40 to 121A.56;

4.17 ~~(e)~~ (5) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies
4.18 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

4.19 ~~(f)~~ (6) inform the pupil and parent or guardian of the right to:

4.20 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
4.21 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
4.22 legal assistance may be available and that a legal assistance resource list is available from
4.23 the Department of Education and is posted on its Web site;

4.24 ~~(2)~~ (ii) examine the pupil's records before the hearing;

4.25 ~~(3)~~ (iii) present evidence; and

4.26 ~~(4)~~ (iv) confront and cross-examine witnesses.

4.27 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

5.1 Sec. 11. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

5.2 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
5.3 and enforce an admission or readmission plan for any pupil who is excluded or expelled
5.4 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
5.5 which may include completing a character education program, consistent with section
5.6 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
5.7 mental health services, referrals for special education or 504 evaluation, and evidence-based
5.8 academic interventions. The plan must require parental involvement in the admission or
5.9 readmission process, and may indicate the consequences to the pupil of not improving the
5.10 pupil's behavior.

5.11 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
5.12 to a student's dismissal from school for one school day or less, except as provided under
5.13 federal law for a student with a disability. Each suspension action may include a readmission
5.14 plan. A readmission plan must provide, where appropriate, alternative education services,
5.15 which must not be used to extend the student's current suspension period. Consistent with
5.16 section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian
5.17 to provide psychotropic drugs to their student as a condition of readmission. School officials
5.18 must not use the refusal of a parent or guardian to consent to the administration of
5.19 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
5.20 examination of the student as a ground, by itself, to prohibit the student from attending class
5.21 or participating in a school-related activity, or as a basis of a charge of child abuse, child
5.22 neglect or medical or educational neglect.

5.23 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

5.24 Sec. 12. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

5.25 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.**
5.26 Consistent with subdivision 2, the school board must report through the department electronic
5.27 reporting system each exclusion or expulsion ~~and,~~ each physical assault of a district employee
5.28 by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective
5.29 date of the dismissal action, pupil withdrawal, or assault to the commissioner of education.
5.30 This report must include a statement of ~~alternative educational services~~ nonexclusionary
5.31 disciplinary policies and practices, or other sanction, intervention, or resolution in response
5.32 to the assault given the pupil and the reason for, the effective date, and the duration of the
5.33 exclusion or expulsion or other sanction, intervention, or resolution. The report must also
5.34 include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

6.1 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

6.2 Sec. 13. Minnesota Statutes 2016, section 121A.55, is amended to read:

6.3 **121A.55 POLICIES TO BE ESTABLISHED.**

6.4 (a) The commissioner of education shall promulgate guidelines to assist each school
6.5 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
6.6 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
6.7 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
6.8 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of
6.9 ~~problems and shall.~~ The policies must be designed to address students' inappropriate behavior
6.10 from recurring.

6.11 (b) The policies shall recognize the continuing responsibility of the school for the
6.12 education of the pupil during the dismissal period. The school is responsible to ensure that
6.13 the alternative educational services, if to be provided to the pupil ~~wishes to take advantage~~
6.14 ~~of them,~~ must be adequate to allow the pupil to make progress towards meeting the graduation
6.15 standards adopted under section 120B.02 and, help prepare the pupil for readmission, and
6.16 are consistent with section 121A.46, subdivision 6.

6.17 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as
6.18 defined in section 121A.41, subdivision 14:

6.19 (1) the school district's continuing responsibility includes reviewing the pupil's school
6.20 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
6.21 the pupil's peers. School districts must communicate on a regular basis with the pupil's
6.22 parent or guardian to ensure the pupil is completing the work assigned through the alternative
6.23 educational services;

6.24 (2) if school-based mental health services are provided in the district under section
6.25 245.4889, pupils continue to be eligible for those services until they are enrolled in a new
6.26 district; and

6.27 (3) The school district must provide to the pupil's parent or guardian a list of mental
6.28 health and counseling services available to the pupil after expulsion. The list must also be
6.29 posted on the district's Web site.

6.30 ~~(b)~~ (d) An area learning center under section 123A.05 may not prohibit an expelled or
6.31 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
6.32 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
6.33 exclude a pupil or to require an admission plan.

7.1 ~~(e)~~ (e) Each school district shall develop a policy and report it to the commissioner on
7.2 the appropriate use of peace officers and crisis teams to remove students who have an
7.3 individualized education program from school grounds.

7.4 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later."

7.5 Renumber the sections in sequence and correct the internal references

7.6 Amend the title accordingly